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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

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6
7 COMPOSITE RESOURCES, INC.,

8 Plaintiff,

9 vs.

10 RECON MEDICAL, LLC,

11 Defendant.

2:17-cv-01755-MMD-VCF

**ORDER SCHEDULING A PRE-CLAIM
CONSTRUCTION SETTLEMENT
CONFERENCE**

12 Pursuant to the Discovery Plan and Scheduling Order (ECF No. 53), a pre-claim construction
13 settlement conference with is hereby scheduled to commence at **10:00 a.m. on November 16, 2017**, in
14 the chambers of the undersigned United States Magistrate Judge, Room 3005, Lloyd D. George United
15 States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

16 All counsel of record who will be participating in the trial and who have full authority to settle this
17 case, and all parties appearing pro se, if any, and all individual parties must be present. In the case of non-
18 individual parties, counsel of record shall arrange for an officer or representative with binding authority
19 to settle this matter up to the full amount of the claim or last demand made to be present for the duration
20 of the conference.

21 If any party is subject to coverage by an insurance carrier, then a representative of the insurance
22 carrier with authority to settle this matter up to the full amount of the claim or most recent demand must
23 also be present for the duration of the settlement conference. This representative must be the adjuster
24 primarily responsible for the claim or an officer with supervisory authority over that adjuster. Third party
25 administrators do not qualify.

1 A request for an exception to the above attendance requirements must be filed and served
2 on all parties at least fourteen (14) days prior to the settlement conference. Counsel of record,
3 individual parties, and a fully-authorized representative shall appear in person unless the court
4 enters an order granting a request for exception.

5 **PREPARATION FOR SETTLEMENT CONFERENCE**

6 In preparation for the settlement conference, the attorneys for each party shall submit a
7 confidential settlement conference statement for the Court's in camera review. **If attached exhibits are**
8 **voluminous, they should be separately tabbed. Failure to do so may result in the documents being**
9 **returned with the requirement that they be properly tabbed.** The settlement conference statement
10 must contain the following:

- 11 1. A brief statement of the nature of the action.
- 12 2. A concise summary of the evidence that supports your theory of the case, including
13 information which documents your damages claims. Please attach to your statement any documents or
14 exhibits which are relevant to key factual or legal issues, including selected pages from deposition
15 transcripts or responses to other discovery requests.
- 16 3. An analysis of the key issues involved in the litigation.
- 17 4. A discussion of the strongest points in your case, both legal and factual, and a frank
18 discussion of the weakest points as well. The Court expects you to present a candid evaluation of the
19 merits of your case.
- 20 5. A further discussion of the strongest and the weakest points in your opponent's
21 case, but only to the extent that they are more than simply the converse of the weakest and the strongest
22 points in your case.
- 23 6. The history of settlement discussion, if any, which have occurred in this case.
24 Please detail the demands and offers which have been made, and the reasons they have been rejected.
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7. The settlement proposal that you believe would be fair.

8. The settlement proposal that you would honestly be willing to make in order to conclude this matter and stop the expense of litigation.

The confidential settlement conference statements must be received in my chambers - Room 3005 - not later than **4:00 p.m., November 9, 2017**. DO NOT SERVE A COPY ON OPPOSING COUNSEL. The settlement conference statements can be delivered directly to chambers or dropped off in a sealed envelope marked "DO NOT FILE and CONFIDENTIAL" at the clerk's office. If the settlement conference statements are dropped off at the clerk's office, it is the responsibility of the party to inform the in-take clerk that the statements are not to be filed and should be placed in the undersigned's in-box.

The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and conducting the settlement conference. In order to facilitate a meaningful conference, your utmost candor in responding to all of the above-listed questions is required. The settlement conference statement will be seen by no one except the undersigned. If this case does not settle, the settlement conference statement will not be disclosed to the judge who ultimately presides over the trial. Each statement will be securely maintained in my chambers, and will be destroyed following the conference.

DATED this 31st day of August, 2017.


CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE